

Federal Register

Tuesday
November 28, 1995

Part XXVIII

**National Archives
and Records
Administration**

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1995. This agenda was developed under the

guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, dated August 2, 1995. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. Some of the regulations listed in the agenda are considered significant under Executive Order 12866 "Regulatory Planning and Review."

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka, Regulatory Contact,

Policy and Planning Division, (301) 713-6730.

SUPPLEMENTARY INFORMATION: For this edition of the National Archives and Records Administration's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in Part II of this issue of the Federal Register. The Regulatory Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate Sequence Number in Part II.

Dated: September 13, 1995.

John W. Carlin,
Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3928	NARA Facilities	3095-AA06
3929	Audiovisual Records Management	3095-AA18
3930	Federal Records Centers	3095-AA27
3931	Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives	3095-AA55
3932	Maintenance of Magnetic Computer Tape	3095-AA57
3933	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers (Reg Plan Seq. No. 141)	3095-AA61
3934	Disposition of Federal Records	3095-AA65
3935	NARA Privacy Act and FOIA Regulations	3095-AA66
3936	Records Declassification	3095-AA67
3937	NARA Reproduction Services	3095-AA68
3938	Researcher Registration in the Washington Metropolitan Area	3095-AA69
3939	Transfer of Electronic Records	3095-AA70

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3940	National Historical Publications and Records Commission; Grant Procedures	3095-AA43
3941	Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration, Amendment of Public Access Regulations	3095-AA59
3942	NARA Policy on Outside Employment	3095-AA60
3943	Location of Records and Hours of Use; Suitland Research Room	3095-AA64

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3944	Vital Records	3095-AA51
3945	Electronic Mail Systems	3095-AA58
3946	Transfer of Records to Federal Records Centers	3095-AA62
3947	NARA Reproduction Fee Schedule	3095-AA63

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3928. NARA FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2110**CFR Citation:** 36 CFR 1280**Legal Deadline:** None

Abstract: NARA is updating its regulations on the use of NARA facilities and property to remove obsolete material and to clarify existing provisions, and to add provisions for the new facility in College Park, Maryland (Archives II).

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Undetermined**Government Levels Affected:** None

Agency Contact: Mary Ann Hadyka, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6730
Fax: 301 713-7270

RIN: 3095-AA06**3929. AUDIOVISUAL RECORDS MANAGEMENT****Priority:** Other Significant**Legal Authority:** 44 USC 2104(a); 44 USC 2904; 44 USC 3101**CFR Citation:** 36 CFR 1228; 36 CFR 1232**Legal Deadline:** None

Abstract: NARA is revising and expanding the regulations pertaining to audiovisual records management and the transfer of permanent audiovisual records to NARA from Federal agencies. The revisions are necessary in order to provide for new audiovisual media that are used in the creation of Federal records and to reflect the transfer to the Department of Commerce's National Technical Information Services of the centralized audiovisual distribution services formerly performed by the National Audiovisual Center.

Timetable:

Action	Date	FR Cite
Final Action Organizational Name Change	05/14/93	58 FR 28506
NPRM	09/28/95	60 FR 50158
NPRM Comment Period End	11/27/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Jean Keeting, Chief, Policy and Outreach Branch, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7100
Fax: 301 713-6850

RIN: 3095-AA18**3930. FEDERAL RECORDS CENTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2907; 44 USC 3103**CFR Citation:** 36 CFR 1228**Legal Deadline:** None

Abstract: NARA is updating regulations in subpart I of part 1228 relating to transfer of records to Federal records centers to clarify provisions, update addresses, and remove outdated material. NARA is adding the Pittsfield Federal Records Center to the list of records centers in 36 CFR 1228.150 and 36 CFR 1253.6. The center, located at 100 Dan Fox Drive in Pittsfield, Massachusetts is designated for storage of long-term records of Federal agencies. NARA is adding a new procedure under 36 CFR 1228.152 (e) stipulating that new accessions of Top Secret records will only be accepted at the Washington National Records Center.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Debra Leahy, Deputy Director, Field Operations Division,

National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7210
Fax: 301 713-7205
RIN: 3095-AA27

3931. DOMESTIC DISTRIBUTION OF UNITED STATES INFORMATION AGENCY MATERIALS IN THE CUSTODY OF THE NATIONAL ARCHIVES**Priority:** Other Significant**Legal Authority:** PL 101-246, sec 202**CFR Citation:** 36 CFR 1256**Legal Deadline:** None

Abstract: This rule will establish procedures for making available USIA produced motion pictures, films, videotapes, and other materials when the materials become eligible for domestic dissemination.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Michael J. Kurtz, Assistant Archivist, Office of the National Archives, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-7000

Fax: 301 713-6915

RIN: 3095-AA55**3932. MAINTENANCE OF MAGNETIC COMPUTER TAPE****Priority:** Other Significant**Legal Authority:** 44 USC 2904; 44 USC 3101; 44 USC 3102; 44 USC 3105**CFR Citation:** 36 CFR 1234.28**Legal Deadline:** None

Abstract: NARA will revise 36 CFR 1234.28 to address the increasing diversity of digital storage media used

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to store electronic records. The current regulation contains several specifications that are applicable only to open reel magnetic tape. NARA will replace these specifics with general guidelines applicable to a variety of media. This regulation applies to Federal agencies which maintain Federal records on digital media.

Timetable:

Action	Date	FR Cite
NPRM	05/00/96	
NPRM Comment Period End	07/00/96	
Final Action	08/00/96	
Final Action Effective	09/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Fynette Eaton, Acting Director, Center for Electronic Records, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6630
Fax: 301 713-6911

RIN: 3095-AA57

3933. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS

Regulatory Plan: This entry is Seq. No. 141 in Part II of this issue of the Federal Register.

RIN: 3095-AA61

3934. • DISPOSITION OF FEDERAL RECORDS

Priority: Other Significant

Legal Authority: 44 USC 2101 et seq; 44 USC 2901 et seq; 44 USC 3101 et seq

CFR Citation: 36 CFR 1228.32; 36 CFR 1228.54

Legal Deadline: None

Abstract: NARA is amending its regulations to require reimbursement for all temporary records maintained in Federal records centers that have exceeded the authorized disposal date.

Timetable:

Action	Date	FR Cite
NPRM	09/26/95	60 FR 49532
NPRM Comment Period End	11/27/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Debra Leahy, Deputy Director, Field Operations Division, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-7210
Fax: 301 713-7205

RIN: 3095-AA65

3935. • NARA PRIVACY ACT AND FOIA REGULATIONS

Priority: Other

Legal Authority: 44 USC 2104(a); 5 USC 552; 44 USC 2101 to 2118; EO 12600

CFR Citation: 36 CFR 1202; 36 CFR 1250; 36 CFR 1254

Legal Deadline: None

Abstract: NARA plans to update its Privacy Act and FOIA regulations governing NARA-created (administrative) records and its FOIA regulations governing records accessioned into the National Archives of the United States to reflect organizational and procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6730
Fax: 301 713-7270

RIN: 3095-AA66

3936. • RECORDS DECLASSIFICATION

Priority: Other Significant

Legal Authority: 44 USC 2101 to 2118; 5 USC 552; EO 12600; EO 12958; EO 12356

CFR Citation: 36 CFR 1254; 36 CFR 1260

Legal Deadline: None

Abstract: NARA plans to revise its regulations on mandatory review and declassification of its archival holdings to reflect the provision of EO 12958, Classified National Security Information. The revised regulations will affect Federal agencies as well as the public.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	02/00/96	
Final Action Effective	03/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Nancy Allard, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001
Phone: 301 713-6730
Fax: 301 713-7270

RIN: 3095-AA67

3937. • NARA REPRODUCTION SERVICES

Priority: Other

Legal Authority: 44 USC 2101 to 2118

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating its regulations regarding refunds by mail of unused amounts on debit cards used by researchers for self service copiers in the National Archives Building, the Washington National Records Center and the National Archives at College Park. In addition, this update shall include the hours of operation for the cashiers office at the National Archives at College Park location.

Timetable:

Action	Date	FR Cite
NPRM	01/00/96	
NPRM Comment Period End	03/00/96	
Final Action	05/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sonia R. Rudo, National Archives Trust Fund Branch, National Archives and Records

NARA**Proposed Rule Stage**

Administration, 8601 Adelphi Road,
College Park, MD 20740-6001
Phone: 301 713-6405
Fax: 301 713-7311

RIN: 3095-AA68

**3938. • RESEARCHER REGISTRATION
IN THE WASHINGTON
METROPOLITAN AREA**

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2111

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating its regulations to require all researchers in the Washington Metropolitan area to have valid researcher cards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	12/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon K. Fawcett,
Director, User Services Division,
National Archives and Records
Administration, National Archives at
College Park, 8601 Adelphi Road,
College Park, MD 20740-6001
Phone: 301 713-6770
Fax: 301 713-6920

RIN: 3095-AA69

**3939. • TRANSFER OF ELECTRONIC
RECORDS**

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a); 44
USC 2107

CFR Citation: 36 CFR 1228.188

Legal Deadline: None

Abstract: NARA is updating its regulations relating to transfer of electronic records to the National Archives. The revision will clarify timing of transfers of electronic records

and provide updated requirements for transfer media and data formats.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	02/00/96	
Final Action Effective	03/00/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Fynnette Eaton,
Acting Director, Center for Electronic
Records, National Archives and
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RIN: 3095-AA70

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)**Final Rule Stage**

**3940. NATIONAL HISTORICAL
PUBLICATIONS AND RECORDS
COMMISSION; GRANT PROCEDURES**

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a); 44
USC 2501 to 2506

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: To update the program descriptions; to revise appointment procedures for state historical advisory boards; to cite audit requirements of OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations" ; and to notify grantees of the lobbying certification requirement for grants of \$100,000 or more; and to incorporate OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Nonprofit Organizations."

Timetable:

Action	Date	FR Cite
NPRM	09/08/95	60 FR 46798

Action	Date	FR Cite
Interim Final Rule - Implementation of OMB Circular A- 110	10/16/95	60 FR 53514
NPRM Comment Period End	11/08/95	60 FR 46798
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Governmental
Jurisdictions, Organizations

Government Levels Affected: State,
Local

Agency Contact: Nancy Sahli, Program
Director, National Historical
Publications and Records Comm.,
National Archives and Records
Administration, Washington, DC 20408
Phone: 202 501-5610
Fax: 202 501-5601

RIN: 3095-AA43

**3941. PRESERVATION AND
PROTECTION OF AND ACCESS TO
THE PRESIDENTIAL HISTORICAL
MATERIALS OF THE NIXON
ADMINISTRATION, AMENDMENT OF
PUBLIC ACCESS REGULATIONS**

Priority: Other Significant

Legal Authority: 44 USC 2104; 44 USC
2111

CFR Citation: 36 CFR 1275

Legal Deadline: None

Abstract: NARA proposes to amend procedures for preserving and protecting the Presidential historical materials of the Nixon administration and for providing public access to these materials. The proposed amendments would clarify various terms that appear in 36 CFR part 1275; clarify the nature of the archival processing being conducted on the Nixon Presidential Materials; and provide for the reproduction of the Nixon White House tape recordings.

Timetable:

Action	Date	FR Cite
NPRM	03/25/94	59 FR 14128

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Action	Date	FR Cite
NPRM Comment Period End	05/24/94	59 FR 14128
Final Action	06/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy Krupsky, Office of General Counsel, National Archives and Records Administration, Washington, DC 20408

Phone: 202 501-5535

Fax: 202 501-5955

RIN: 3095-AA59

3942. NARA POLICY ON OUTSIDE EMPLOYMENT

Priority: Other

Legal Authority: 5 USC 7301; EO 12674; EO 12731

CFR Citation: 5 CFR 7600

Legal Deadline: None

Abstract: The new Office of Government Ethics regulations in 5 CFR part 2635 require agencies to reissue their internal regulations on

outside employment by agency personnel as a supplement to the OGE regulations. NARA will reissue its internal regulations on outside employment as 5 CFR part 7600. These regulations will affect only NARA employees.

Timetable:

Action	Date	FR Cite
Final Action	10/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Christopher Runkel, Acting General Counsel/Designated Ethics Official, National Archives and Records Administration, The National Archives, Washington, DC 20408

Phone: 202 501-5535

Fax: 202 501-5955

RIN: 3095-AA60

3943. • LOCATION OF RECORDS AND HOURS OF USE; SUITLAND RESEARCH ROOM

Priority: Other

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1253

Legal Deadline: None

Abstract: This rule changes the hours of use at the Suitland Research Room and updates information on other NARA facilities outside the Washington, DC, area.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/95	60 FR 40416
Interim Final Rule Comment Period End	10/10/95	
Final Action	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka, Regulatory Contact, Policy and IRM Services, National Archives and Records Administration, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001

Phone: 301 713-6730

Fax: 301 713-7270

RIN: 3095-AA64

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3944. VITAL RECORDS

Priority: Other Significant

CFR Citation: 36 CFR 1236

Completed:

Reason	Date	FR Cite
Final Action	06/07/95	60 FR 29989
Final Action Effective	06/07/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Keeting

Phone: 301 713-7100

Fax: 301 713-6850

RIN: 3095-AA51

3945. ELECTRONIC MAIL SYSTEMS

Priority: Other Significant

CFR Citation: 36 CFR 1220; 36 CFR 1222; 36 CFR 1234

Completed:

Reason	Date	FR Cite
Final Action	08/28/95	60 FR 44635
Final Action Effective	09/27/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James Hastings

Phone: 301 713-7096

RIN: 3095-AA58

3946. TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

Priority: Other

CFR Citation: 36 CFR 1228.150; 36 CFR 1228.152(f); 36 CFR 1253.6

Completed:

Reason	Date	FR Cite
Merged With RIN 3095-AA27	10/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Debra Leahy

Phone: 301 713-7210

RIN: 3095-AA62

3947. NARA REPRODUCTION FEE SCHEDULE

Priority: Other

CFR Citation: 36 CFR 1258

Completed:

Reason	Date	FR Cite
Final Action	05/19/95	60 FR 26827
Final Action Effective	03/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Hadyka

Phone: 301 713-6730

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RIN: 3095-AA63

[FR Doc. 95-24135 Filed 11-24-95; 8:45 am]

BILLING CODE 7515-01-F